



County of San Diego

DEPARTMENT OF THE PUBLIC DEFENDER

EXPUNGEMENT OF CRIMINAL RECORDS

WHO IS ELIGIBLE?

An adult who was granted and *has successfully completed probation*, either by fulfilling the conditions of probation or being discharged before the end of his/her probationary period.

He/She must *not be on probation or serving a sentence for any other offense*. (Pen. Code § 1203.4)

WHAT ARE THE EFFECTS OF EXPUNGEMENT?

>It Will:

1. Result in the dismissal of the case;
2. Allow you to answer on job applications that you have not been convicted. If, however, you are applying for a government job or a job which requires a government-issued license, certificate or permit, or a job which involves a security clearance, the conviction will be discovered - in such cases, you should disclose the conviction and its expungement;
3. If the conviction was for a felony, it is the first step in obtaining a pardon.

>It Will Not:

1. Remove the conviction from your "Rap Sheet" - California and FBI criminal history records will still show the conviction and a dismissal "per PC 1203.4";
2. Reinstate the right to possess firearms (reduction to a misdemeanor may accomplish this if the offense is not one of violence;)
3. Allow you to omit the conviction from applications for government issued licenses;
4. Seal or otherwise remove the court case file from public inspection - anyone who knows where to look will be able to find the court case file (probation reports are in confidential files and are not subject to public inspection 90 days after sentencing;)
5. Prevent the conviction from being used as a "prior" to increase punishment in case of a subsequent conviction;
6. Prevent the conviction from being used for impeachment purposes if called as a witness;
7. Prevent the conviction from being considered and used to refuse or revoke government licenses and permits such as teaching credential, nursing license, bus drivers license, security guard certificate, etc., however, the expungement usually reduces the weight given the conviction by the licensing agency.
8. Eliminate the conviction from consideration for Immigration purposes.

HOW IS IT DONE?

Complete the attached questionnaire and return it to:

The Department of the Public Defender

Expungement Clerk
233 "A" Street, Suite 500
San Diego, CA 92101

REQUEST FOR FELONY REDUCTION TO MISDEMEANOR AND/OR EXPUNGEMENT OR PROBATION MODIFICATION

EXPUNGEMENT IS **NOT** AVAILABLE IF YOU SERVED TIME IN STATE PRISON (as opposed to County Jail)
But you may be eligible for a Certificate of Rehabilitation - Please contact Rene Jones at (619)531-4356

All requests **must** be in writing.

Expungement of a conviction from your record is available only if you have complied with all of the terms and conditions of probation, probation was never permanently revoked, and probation has now terminated.

1. Name: _____ Tel.# _____
2. Address: _____ City, State & Zip _____
Date of Birth: _____ Birthplace: _____
Social Security No. _____ Calif. DL #: _____
3. Court case number(s), year and charges of which you were convicted:

4. Were you ordered to pay any fines or restitution? Circle one YES NO

If YES, have they been paid in full? Circle one YES NO
If NO, why not? Please explain _____
5. Were you ordered to attend any programs/classes, meetings, or perform any public work service or community service? Circle one YES NO

If YES, have you submitted proof of completion? Circle one YES NO
6. Are you currently on probation on this case or any other case? Circle one YES NO
7. If you are requesting a modification of your ongoing probation, the court must find “good cause” for modification. Specifically, what is it about your probation that you want modified and what is the “good cause” for the desired change? (For example, “I was ordered to pay a fine. I lost my job. Can I do public work instead? Change probation from **formal** to **summary**”)

8. For expungement, please tell us what you have been doing since your conviction date. (i.e. working, attending school, joined the military, taking care of a family) Please attach at least one letter of reference and any certificates of achievement or other evidence that you have been doing good things. (You may use the back of this sheet)

